

**From:** [Moore, Gary](#)  
**To:** [Patricia Scott](#)  
**Subject:** Fwd: CES Information  
**Date:** Monday, October 06, 2014 1:41:13 PM

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Sent from my iPhone

Begin forwarded message:

**From:** "Cargas, James P. - LGL" <[James.Cargas@houstontx.gov](mailto:James.Cargas@houstontx.gov)>  
**Date:** October 6, 2014 at 1:08:17 PM CDT  
**To:** "'Moore, Gary'" <[Moore.Gary@epa.gov](mailto:Moore.Gary@epa.gov)>  
**Cc:** "Goodwin, Phillip - LGL" <[Phillip.Goodwin@houstontx.gov](mailto:Phillip.Goodwin@houstontx.gov)>, "Kirkland, Steven - LGL" <[Steven.Kirkland@houstontx.gov](mailto:Steven.Kirkland@houstontx.gov)>  
**Subject:** RE: CES Information

Gary,

Thank you for sharing these documents.

You had asked about the provision in the Texas Constitution that prohibits any gifts or loans of public resources. That provision is Article III, Section 52.

<http://www.statutes.legis.state.tx.us/> (below search box is Texas Constitution).

There is a long long history here. A few of the more frequently cited cases are:

<!--[if !supportLists]-->•<!--[endif]-->Tompkins v. Williams, 62 SW2d 70 (Tex. Com.App., 1933) where the City of Dallas was prohibited from gifting public funds to a woman injured by one of its motorcycle officers since there was no legal obligation to pay.

<!--[if !supportLists]-->•<!--[endif]-->City of El Paso v. Carroll, 108 SW2d 251 (Tex. App. – El Paso, 1937) where the Court said the City may not donate or loan funds to another government entity (school district) from its water utility.

I am looking forward to finding a time when we can discuss the path forward. If I cannot make it, please make sure that either Phillip or Steven are included.

James

## **James P. Cargas**

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Office of the City Attorney

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**From:** Moore, Gary [<mailto:Moore.Gary@epa.gov>]

**Sent:** Friday, October 03, 2014 11:22 PM

**To:** Cargas, James P. - LGL

**Subject:** CES Information

**James:**

**I wanted to pass on some information to you.**

**1. Copy of the EPA Action Memo for the Site;**

**2. The Access Agreement from the Trustee;**

**Thanks**

**Gary Moore**

**Federal On-Scene Coordinator**

**U.S. EPA Region 6**

**214-789-1627 cell**

**214-665-6609 office**

**[moore.gary@epa.gov](mailto:moore.gary@epa.gov)**